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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,747	01/16/2002	Mike Oberberger	IGT1P259/P-721	7807
22434	7590	11/01/2006	EXAMINER	
BEYER WEAVER & THOMAS, LLP			NGUYEN, BINH AN DUC	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

3714

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/050,747

**Applicant(s)**

OBERBERGER, MIKE

**Examiner**

Binh-An D. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Amendment filed August 14, 2006 has been received. According to the Amendment, claims 52-56, 65-69, and 78-82 have been amended. Currently, claims 51-89 are pending in the application. Acknowledgment has been made.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg et al. (6,595,856) in view of Nguyen (US 2002/0071557).

Referring to claims 51, 64, and 77 Ginsburg et al. teaches a gaming system (or method having steps for providing thereto) comprising: a plurality of gaming units (300) coupled to a data network (Fig.6), each gaming unit having a configuration for executing a game application enabling a player to play a game of chance on the gaming unit, a configuration of the gaming system defined by the plurality of gaming unit configurations (3:8-15); a memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17) storing verification code; a monitoring apparatus separate from the gaming units (one of gaming machine 300, 3:23-40; 9:10-21; Fig. 6) and including the memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17), the monitoring apparatus coupled to the data network to monitor the plurality of gaming units, the monitoring apparatus including

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a processor programmed to: i) compare a real-time parameter value (live code, 8:16-27) with the verification code parameter value, the real-time parameter value (live code) determined from a current configuration of the plurality of gaming unit configurations, ii) determine that the gaming system configuration is not in compliance with the verification code when the real-time parameter exceeds the verification parameter value, and iii) when the gaming system configuration is not in compliance with the verification code, prevent reconfiguration of the gaming system configuration (4:24-39). Ginsburg et al. does not explicitly teach storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units.

Nguyen, however, teaches a secured virtual network in a gaming environment comprising storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units (paragraphs 15-17, 20, and 77). Referring to the limitation of prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units, the license identification process of Nguyen performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machines. **Regarding the limitation of indicating an exceeded license parameter value**, since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to

maximize profit. **Note that**, as requested by the applicant for a well-known prior art that ***indicates an exceeded license parameter value***, the applicant is hereby referred to the provided reference of Bereiter (5,754,763)(9:49-10:33). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Ginsburg et al. electronic security technique for gaming software with the non interruption software verification technique of Nguyen to provide a stable gaming system and enhance security as well as maximize the capability of the gaming network.

Referring to claims 52, 53, 65, 66, 78, and 79, Nguyen teaches the gaming system configuration including a function of the gaming system; and wherein the gaming system configuration including a function of a device (license server) coupled to the data network (paragraphs 15 and 16).

Referring to claims 54-56, 67-69, and 80-82, Ginsburg et al. teaches the monitoring apparatus coupled to continuously receive data from all of the plurality of gaming units (Fig.6); the monitoring apparatus further including a display coupled to the processor, the processor further programmed to display a message indicating an exceeded verification parameter when the gaming system configuration is not in compliance with the verification code (4:24-28); and the monitoring apparatus further including an input device coupled to the processor, the input device accessible by a gaming system operator (4:24-28).

Referring to claims 57, 70, and 83, wherein preventing reconfiguration of the gaming system configuration without interrupting game play on the gaming units includes preventing an operator from reconfiguring the gaming system configuration, it

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is obvious to prevent interruption of the game system when someone tried to tamper a game machine to keep the entire gaming system stable.

Referring to claims 58, 60, 71, 73, 84 and 86, wherein the license parameter value is a maximum allowable number of gaming units in the gaming system, and the real-time parameter value is a current number of gaming units coupled to the data network; and wherein the license parameter value is a maximum allowable number of operator workstations that may be incorporated in the gaming system, and the real-time parameter value is a current number of operator workstations coupled to the data network; since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit.

Referring to claims 59, 61-63, 72, 74-76, 85, and 87-89, Nguyen teaches the license parameter value is a valid gaming system operation mode of the gaming system, and the real-time parameter value is a current operation mode of the gaming system (i.e., the number of working or licensed game machines and the number of valid game licenses); the license parameter value is a maximum allowable number and type of reports that may be generated by the gaming system, and the real-time parameter value is a current number and type of reports being generated by the gaming system (paragraph 10); the license parameter value is a site identification of the gaming system, and the real-time parameter value is a current site identification incorporated in the gaming system; and the license parameter value is an expiration date of the license,

and the real-time parameter value is a current date of the gaming system (paragraph 69).

### ***Response to Arguments***

Applicant's arguments filed August 14, 2006 have been fully considered but they are not persuasive.

The Applicant argued that "the Office Action states that Applicant's previous arguments were not persuasive '*since the license identification process performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machine*' without providing any support for the assertion" (Applicant's remarks, page 10, last paragraph bridging page 11, 1<sup>st</sup> paragraph) is deemed not persuasive.

The reasoning, in fact, has been made by the Examiner as being quoted above by the applicant: *since the license identification process performed on the remote server [of Nguyen] only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machine*. Therefore, it is hereby confirmed by the Examiner that the license identification process of Nguyen denied the request for gaming license without interrupting the game play on the gaming machine.

Further, regarding Applicant's remarks and request for a well-known prior art that ***indicates an exceeded license parameter value*** (Applicant's remarks, page 12, 1<sup>st</sup> full paragraph), although such feature is considered as a common sense that "*since a*

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*casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit"* (Office Action sent May 18, 2006, page 4, lines 12-14), nevertheless, the reference of Bereiter (5,754,763) is hereby provided for such well-known art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

  
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TC3700